

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**M.Cr.C.(A) No. 62 of 2021**

1. Ashok Yadav S/o Ramkripal Aged About 22 Years R/o Village Samaniya, Police Station Kamleshwarpur, Tahsil Mainpat, District Surguja Chhattisgarh.
2. Awadesh Yadav S/o Ramniwas Aged About 20 Years R/o Village Samaniya, Police Station Kamleshwarpur, Tahsil Mainpat, District Surguja Chhattisgarh.
3. Ramkripal Yadav S/o Raghunath Aged About 42 Years R/o Village Samaniya, Police Station Kamleshwarpur, Tahsil Mainpat, District Surguja Chhattisgarh.
4. Dashrath Yadav S/o Raghunath Aged About 40 Years R/o Village Samaniya, Police Station Kamleshwarpur, Tahsil Mainpat, District Surguja Chhattisgarh.
5. Bharat Yadav S/o Raghunath Aged About 37 Years R/o Village Samaniya, Police Station Kamleshwarpur, Tahsil Mainpat, District Surguja Chhattisgarh.
6. Muneshwar Yadav S/o Dhaneshwar Aged About 30 Years R/o Village Samaniya, Police Station Kamleshwarpur, Tahsil Mainpat, District Surguja Chhattisgarh.
7. Sanjay Yadav S/o Dhaneshwar Aged About 37 Years R/o Village Samaniya, Police Station Kamleshwarpur, Tahsil Mainpat, District Surguja Chhattisgarh.
8. Ramniwas Yadav S/o Raghunath Aged About 45 Years R/o Village Samaniya, Police Station Kamleshwarpur, Tahsil Mainpat, District Surguja Chhattisgarh.

---- Applicants**Versus**

State Of Chhattisgarh Through The Station House Officer, Police Station Kamleshwarpur, District Surguja Chhattisgarh.

---- Respondent

For the Applicants : Shri Jitendra Shrivastava, Advocate.
 For the Respondent/State : Shri H.S. Ahluwalia, Dy. A.G.

Hon'ble Shri Justice Rajendra Chandra Singh Samant**ORDER****17.05.2021**

1. Heard on application under Section 438 of the Code of Criminal Procedure, 1973.
2. This is the first bail application filed under Section 438 of the Code of Criminal Procedure, 1973 for grant of anticipatory bail to the applicants who

are apprehending arrest in connection with Crime No. 74 of 2020, registered at Police Station – Kamleshwarpur, District Surguja, Chhattisgarh for the offence punishable under Sections 294, 506B, 323, 147 and 452 of the Indian Penal Code.

3. It is submitted by counsel for the applicants that they have been falsely implicated in this case. No case is made out against the applicants on the basis of the material placed before the Court by the prosecution. The applicants have not committed any offence. Apart from that, only the offence under Section 452 of the IPC is non-bailable, whereas, the rest of the offences registered against the applicants are bailable in nature. The dispute arose due to the motor accident caused by the son of the complainant. Hence, it is prayed that the applicants be benefited with grant of anticipatory bail.

4. Learned State counsel opposes the bail application and the submissions made in this respect. It is submitted that looking to the material present in the investigation diary, the applicants are not entitled for grant of anticipatory bail.

5. Heard counsel for both the parties and perused the case diary.

6. According to the prosecution case, on the date and time of the incident, all these applicants made forceful entry in the house of the complainant who then abused, threatened, assaulted and caused simple injuries to the complainant and others after forming unlawful assembly.

7. Considered the submissions. Taking into consideration the reason of dispute between the complainant and the applicants and also the other reasons, I am of the considered view that the present is a fit case where the applicants should be benefited with grant of anticipatory bail.

8. Accordingly, the anticipatory bail application is allowed and it is directed that in the event of arrest of the applicants in connection with the aforesaid offence, they shall be released on bail by the Officer arresting them on executing a personal bond in sum of Rs.25,000/- with one surety in the like sum to the satisfaction of the concerned Investigating Officer. They shall also abide by the following conditions:

- '(i) that the applicants shall make themselves available for interrogation before the Investigating Officer as and when required;
- (ii) that the applicants shall not, directly or indirectly, make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade them from disclosing such facts to the Court or to any police officer;
- (iii) that the applicants shall not act, in any manner, which will be prejudicial to fair and expeditious trial; and
- (iv) that the applicants shall appear before the trial Court on each and every date given to them by the said Court till disposal of the trial.'

Sd/-

(Rajendra Chandra Singh Samant)
Vacation Judge